

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

WILLIAM OMAR MEDINA	:	CIVIL ACTION
	:	
v.	:	NO. 23-1057
	:	
ALLENTOWN POLICE DEPT, DET.	:	
SAL APRILE, SGT. ERIC STAUFFER,	:	
DAVE MUSSEL	:	

ORDER

AND NOW, this 31st day of March 2023, following our Congressionally-mandated scrutiny of the incarcerated Plaintiff's *pro se* civil rights Complaint (ECF Doc. No. 3) after having granted him leave to proceed without paying fees (ECF Doc. No. 6), finding he cannot plead claims against the Allentown Police Department or the District Attorney under his admitted facts and does not plead claims against the individual state actors within our jurisdiction, and for reasons in today's accompanying Memorandum, it is **ORDERED**:

1. We **dismiss** the Complaint (ECF Doc. No. 3):
 - a. **With prejudice** as to his claims against the Allentown Police Department, against the Officers in their official capacities, against the District Attorney Dave Mussel, and references to claims against federal officers under *Bivens* or the Federal Tort Claims Act;
 - b. We **dismiss** the Allentown Police Department and Dave Mussel;
 - c. **Without prejudice** to the remaining claims against Sergeant Stauffer and Officer Aprile with leave for Plaintiff to file an amended Complaint against them in their individual capacities by no later than **May 2, 2023** if he can do so consistent with Rule 11 and the guidance offered in today's accompanying Memorandum;

2. We **amend** the caption moving forward as follows:

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STAUFFER	:	

3. The Clerk of Court shall not issue summons until further Order if warranted after screening of an amended complaint.



KEARNEY, J.